

Remarks

At the mailing of the Office Action, claims 1, 5-9, 16, 17, 29-35, 48-51 and 64 were pending with each of the claims being rejected by the Office.

In this response, the applicant withdraws claims 17 and 64, amends claim 7 and traverses the rejections submitted by the Office either through argument or amendment.

The Office has objected to claim 17 under 37 CFR 1.75(c) alleging that it is in improper dependent form for filing to further limit the subject matter of the previous claim. This claim has been withdrawn without prejudice.

The Office has rejected claims 1, 5, 16-17 and 64 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5, 619,247 to *Russo* and further inv view of US. Patent No. 5,557,541 to *Schulof et al.* and U.S. Patent No. 6, 141,530 to *Rabowsky*.

In setting forth the rejection of claim 1, the Office admits that *Russo* “does not teach a system where the movies are transmitted faster than real-time to the customer”. The Office then relies upon *Schulof et al* to show the delivery of audio content at faster than real-time speeds and alleges that *Rabowsky* teach a system for transmitting and recording movies faster than real-time by digitizing the movies and transmitting them to multiple users simultaneously.

The applicant respectfully disagrees with the Office’s position regarding claim 1. The applicant has carefully reviewed the *Rabowsky* reference and has concluded that it does not describe, suggest or teach the transmission of movies at faster than real-time. In fact, *Rabowsky* teaches away from the need and capability for such a feature. First of all, *Rabowsky* teaches the transmission of digitized motion pictures and the storage of the data files until needed (see lines 16-17 of the Abstract). The storage of data files until needed is totally void of the need to deliver the content in faster than real-time. Secondly, although *Rabowsky* teaches the use of

compression of the data files housing the digitized motion pictures, this in no way implies the delivery of movies in faster than real-time. More specifically, the digitization of the movies results in a tremendously large file size, which even after being compressed, can be larger than a terabyte of data (see column 2 line 65 to column 3 line 2). Even by employment of a lossy compression technique that can provide a compression ration of 100:1, the data files are still significantly large and there is not indication of the employment of technology in this disclosure to indicate that the files are delivered in faster than real-time. Thus, although such a system as described in *Rabowsky* could benefit from the present invention, there is no teaching of such a capability in *Rabowsky*. Thus, even if there were a motivation to combine the *Russo, Schulof et al.* and *Rabowsky* references, the combination still does not render the present invention obvious.

With regards to claims 5 and 16, these claims depend directly from claim 1 and thus are also in condition for allowance.

With regards to claim 17 and 64, these claims have been withdrawn without prejudice.

The Office has rejected claims 6-9, 29-35 and 48-51 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5, 619,247 to *Russo* and further inv view of US. Patent No. 5,557,541 to *Schulof et al.* and U.S. Patent No. 6, 141,530 to *Rabowsky* and further in view of US Patent No. 6,005,938 to *Banker et al.*

Claims 6-9 depend either directly or indirectly from claim 1, which the applicant submits as being in condition for allowance. Thus, claims 6-9 are also in condition for allowance. However, the applicant has further amended claim 7 to more particularly indicate that the customer must be in possession of all three code keys, code keys A, B and C, to enable the customer to view the movie. This level of protection is not described in the combination of the cited references and it would not have been obvious to employ such a level of protection.

The applicant respectfully submits that the traversals provided above are equally applicable to claims 29-35 and 48-51.

Thus, the applicant further respectfully submits that the claims, as presented in this response, are in condition for allowance and requests the Office to consider the applicants amendments and remarks.

If the Office has any questions regarding these claims or this response, the Office can call the applicant's attorney, Gregory Smith at (770) 804-9070.

Respectfully submitted,

By: 

Gregory Scott Smith
Reg. No. 40,819
Attorney for Applicant

LAVA Group Law by Smith & Frohwein
Gregory Scott Smith
PO Box 88148
Atlanta, Georgia 30356
(770) 804-9070
September 20, 2004